

bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of charitable choice, as amended by Snowe and Grassley-Baucus, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that the distinguished Senator from Kentucky modify his request as follows: That the Senate proceed to the immediate consideration of H.R. 7; that all after the enacting clause be stricken; that the Snowe amendment which is at the desk be agreed to; that the substitute amendment which is the text of S. 476 as passed the Senate, as amended, be agreed to; that the bill as amended be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this be printed in the RECORD, with no intervening action or debate.

Mr. MCCONNELL. Mr. President, I object.

Mr. REID. I also object.

The PRESIDING OFFICER. The Senator from Kentucky declines to modify his original request and the objection is now heard on the original request.

Mr. REID. The Chair is correct.

EXECUTIVE SESSION

NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Executive Calendar No. 400, the nomination of Charles Pickering to be U.S. Circuit Judge for the Fifth Circuit. I ask my friend and colleague on the other side of the aisle, would his side be willing to enter into a time agreement on this nomination?

Mr. REID. The answer is no.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi to be United States Circuit Judge for the Fifth circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I therefore send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

Mr. MCCONNELL. I ask unanimous consent the live quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MCCONNELL. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2003

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 249, S. 247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 247) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported with an amendment, as follows:

[Strike the part shown in black brackets and insert the part printed in italic]

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".]

SEC. 2. RETENTION OF TASK FORCE.

[Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).]

SEC. 3. PREDICTION AND RESPONSE PLAN.

[Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

["(e) PREDICTION AND RESPONSE PLAN.—

["(1) DEVELOPMENT OF PLAN.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the

plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

["(2) PLAN REQUIREMENTS.—The plan shall—

["(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

["(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

["(C) include incentive-based partnership approaches where practicable.

["(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

["(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.".]

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

[Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

["(f) LOCAL AND REGIONAL ASSESSMENTS.—

["(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

["(2) PURPOSE.—Local and regional assessments may examine—

["(A) the causes of hypoxia or harmful algal blooms in that area;

["(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

["(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

["(D) the social and economic benefits of such alternatives.".]

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[Section 605 of such Act is amended—

["(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

["(2) by inserting "\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, and \$27,000,000 for fiscal year 2007" after "2001," in the first sentence;

["(3) by inserting "and \$2,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (1);

["(4) by inserting "and \$5,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (2);

["(5) by striking "2001" in paragraph (3) and inserting "2001, \$2,000,000 for fiscal year 2004, \$3,000,000 for fiscal year 2005, and \$3,000,000 for fiscal year 2006";

["(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e).";

["(7) by striking "2001" in paragraph (4) and inserting "2001, and \$6,000,000 for each of fiscal years 2004, 2005, and 2006.";

["(8) by striking "and" after the semicolon in paragraph (4);

["(9) by striking "2001" in paragraph (5) and inserting "2001, \$5,000,000 for fiscal year 2004,